



United States
Department of
Agriculture

Food and
Consumer
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO
80204-2581

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Reply to
Attn of:

SP-03-02

Subject: Meals Served to Students Placed in Schools Not Participating in the National School Lunch Program

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri ED,
(Special Nutrition Programs) Montana OPI, Nebraska, North Dakota,
South Dakota, Utah and Wyoming

Questions have arisen regarding the eligibility for reimbursement of meals served to children who are placed by a public school district in special schools or institutions (hereafter termed "pupil placement") which are either not eligible to participate or choose not to participate in the National School Lunch Program (NSLP) and/or the School Breakfast Program (SBP). Only those meals served to children in an eligible "school" that participates in the NSLP and/or the SBP may be reimbursed.

- **What are "eligible" schools?**

Section 12(d)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(3))(NSLA) and section 15(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1784(3)) define an eligible "school" as any public or nonprofit private school of high school grade or under, and any public or licensed nonprofit private residential child care institution. NSLP and SBP regulations found at 7 CFR 210.2 and 220.2 require that, in the case of public or nonprofit private schools and institutions, they must be recognized as part of the educational system in the State in order to be eligible schools for program purposes. For profit schools/institutions are not eligible to participate in the NSLP/SBP.

- **What is "pupil placement"?**

When a public school district is unable to provide needed services directly to children, it may contract with a school to provide the needed educational services. For example, public school districts may place children who are discipline problems in an alternative school or place disabled children in a specialized school.

Under the terms of these contracts, the child's public school district (home district) pays the tuition to the school in which the student is placed. Although these children may be considered to be "enrolled" in the home district and may be included in the home district's State education funding formula, the children spend their entire school day at the placement school and are matriculated in that setting. Sometimes children from more than one public school district, or even more than one State, may use the services of a single school.

- **May meals served to children in pupil placement situations be claimed for reimbursement?**

The key to whether the meals served to these children may be claimed for reimbursement depends on whether the school at which the meal is served participates in the NSLP/SBP.

Meals may not be claimed for reimbursement by the placement school, the home district, or another participating school (even if the home district or another participating school provides the meal), if the meal is served in:

- Schools that are not eligible to participate in the NSLP/SBP, or
 - Schools that choose not to participate.
- **Are there special considerations for pupil placement for students with disabilities?**

As previously mentioned, the key to whether the meals served to these children may be claimed for reimbursement depends on whether the school at which the meal is served participates in the NSLP/SBP.

- **Are there any provisions that accommodate off-site consumption?**

FNS Instruction 786-8, Rev. 1, sets forth the situations in which a participating school may claim meals for reimbursement for off-site consumption. These situations are limited to meals served on supervised field trips and work study programs.

- **What alternatives should schools consider for pupils placed in nonparticipating schools?**

If a school district places students in a school which is not participating in the NSLP/SBP, the district may wish to consider expanding the contract to include meal service for its pupil placements. However, such meals are not reimbursable under the NSLP/SBP.

State Agency Directors

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If you have any questions, please contact our office at (303) 844-0355

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